

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION NO: 9008 OF 2020

Between:

1. Smt. Badrunnisa Begum and another, W/o. Anwarul Haq, Aged about 65 years, Occ. Household, R/o. H. No. 5-4, NGOs Colony, Boregaon, Sirpur Kaghaznagar, K B (Asifabad) District, old Adilabad District.
2. Ejazul Haq, S/o. Anwarul Haq, Age. 39 years, Occ. Household, R/o. H. No. 5-4, NGOs Colony, Boregaon, Sirpur Kaghaznagar, K B (Asifabad) District, old Adilabad District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary to Department of Home, Secretariat, Hyderabad.
2. The ,Commissioner of Police, Ramagundam, Karimnagar District.
3. The Station House Officer, CCC, Naspur, Macherial District, Old Adilabad District.
4. Kummari Raju, S/o. Not Known to Petitioner, Aged about 30 years, Occ. private employee, R/o. CCC, Naspur, Mancherial District, old Adilabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly a writ of Mandamus declaring the inaction of the respondent no. 2 and 3 in registering FIR against the Respondent No. 4 for violating the rights of the petitioners are illegal, arbitrary, discriminatory, ultra vires, null and void, against the statute, in violation of principles of natural justice and in violation of the fundamental and constitutional rights of the petitioner, in the interest of justice and equity.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the by 2nd 3rd Respondents to register FIR against the 4th respondent for criminal actions of demolition of wall and stolen of doors and windows in the house of petitioners, till the disposal of the writ petition in the interest of justice and equity.

Counsel for the Petitioner : SRI MOHAMMED RAHAIL AHMED

Counsel for the Respondents No.1to3: SRI D.PRADEEP, AGP FOR HOME

Counsel for the Respondents No.4 : --

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION No. 9008 OF 2020

ORDER:

This Writ Petition is filed with the following relief:

“...to issue a writ, order or direction, more particularly a writ of Mandamus declaring the inaction of the respondent No. 2 and 3 in registering FIR against the Respondent No. 4 for violating the rights of the petitioners are illegal, arbitrary, discriminatory, ultra vires, null and void, against the statute, in violation of principles of natural justice and in violation of the fundamental and constitutional rights of the petitioners, in the interest of justice and equity...”

2. Heard Mr.Mohammed Rahail Ahmed, learned counsel for the petitioners and Mr.D.Pradeep, learned Assistant Government Pleader for Home appearing for respondent No.1 to 3.

3. Learned counsel for the petitioners submits that that the present petition has been filed challenging the inaction of respondent Nos. 2 and 3 in registering the crime upon the representation submitted by the petitioners and seeking appropriate directions from this Court.

4. Learned Assistant Government Pleader for Home, on written instructions, submits that upon receipt petitioners' representation dated 19.03.2019, the GD entry was made, enquiry was conducted by the Police and even a requisition was sent to Tahsildar, Naspur who furnished details regarding the disputed land. After considering the materials, it was concluded that the issue raised is of purely civil in nature and disputed allegations as to threatening was not *prima facie* established. The report has been closed by endorsing false. It has been further submitted that service of notice to the complaint was not available, as such, the same was sent to registered post on 26.06.2020. Thus, the contest of the petitioners that the respondent-Police authorities have not represented/acted upon the representation is unfounded, hence, prayed for dismissal of the petition.

5. I have perused the materials placed on record.

6. The developments reported by the learned Assistant Government Pleader is that the enquiry was conducted after

receipt of the representation of the petitioners, thereafter, by considering the material and the proceedings conducted by the respondent-Police authorities are disclosing exercise of their discretion. Thus, the contention of the petitioners as to registration of crime is found not acceptable. However, if the petitioners are aggrieved by the inaction/non-registration of crime, they should have availed the efficacious statutory remedies available under Code of Criminal Procedure (Cr.P.C.)/Bharatiya Nagarik Suraksha Sanhita (BNSS).

7. The legal position governing matters of this nature is well settled and in *Sakiri Vasu v. State of U.P. & Others* (AIR 2008 SC 907), the Hon'ble Supreme Court categorically held that when the grievance pertains to the refusal of the police to register a First Information Report (FIR), the remedy of approaching the High Court under Article 226 is ordinarily not available. The Court emphasized that the Code of Criminal Procedure, 1973 ("Cr.P.C.") provides an adequate and efficacious statutory framework to address such grievances.

8. This principle has been consistently reaffirmed in subsequent judicial pronouncements. Most notably, in *M. Subramaniam v. S. Janaki & Others* (AIR 2020 SC 387), a three-Judge Bench of the Hon'ble Supreme Court clarified that the proper course for an aggrieved party is to avail the remedies provided under the Cr.P.C., including approaching the Magistrate under Sections 156(3) or 200 Cr.P.C. rather than directly invoking the writ jurisdiction of the High Court.

9. In light of these settled legal principles, the contention/prayer of the petitioners in the absence of availing the remedy under Code of Civil Procedure (Cr.P.C.) and exceptional circumstances stands not maintainable. However, reserving the right of the petitioners to avail appropriate remedies available under law, if the cause still survives.

10. This petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, pending if any, shall stand closed.

SD/- M. NAGAMANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

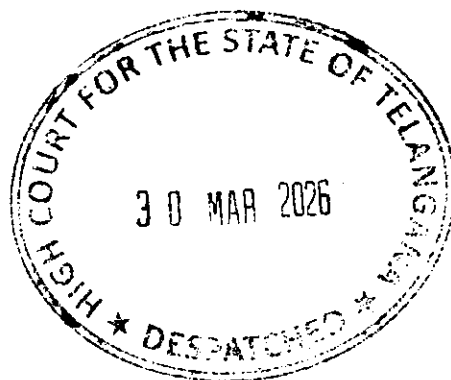
1. The Principal Secretary to Department of Home, Secretariat, Telangana State, Hyderabad.
2. The Commissioner of Police, Ramagundam, Karimnagar District.
3. The Station House Officer, CCC, Naspur, Macherial District, Old Adilabad District.
4. One CC to SRI MOHAMMED RAHAIL AHMED, Advocate. [OPUC]
5. Two CCs to GP FOR HOME, High Court for the State of Telangana. [OUT]
6. Two CD Copies.

BSK

TJ

HIGH COURT

DATED:30/10/2025



ORDER

WP.No.9008 of 2020

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

9/NT
28/2/26